

**TRANSMITTAL FORM**

**Application Number:** 10/526,354  
**Filing Date:** February 25, 2005  
**First Named Inventor:** Martin Beer  
**Art Unit:** 1615  
**Examiner Name:** Unknown  
**Attorney Docket Number:** DEBE:049US

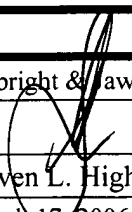
Total Number of Pages in this Submission :

**ENCLOSURES (check all that apply)**

- |  |   |  |
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| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input checked="" type="checkbox"/> Form PTO-1449<br><input checked="" type="checkbox"/> References <u>B1; C1-C13</u><br><input type="checkbox"/> Certified Copy of Priority Documents<br><input type="checkbox"/> Reply to Missing Parts/Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts/Requirements<br><input type="checkbox"/> Declaration(s) _____<br><input type="checkbox"/> Copy of Notice of Missing Parts/Requirements | <input type="checkbox"/> Drawings(s) _____<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address<br><input type="checkbox"/> Statement under 37 CFR §3.73(b)<br><input type="checkbox"/> Designation of Patent Practitioners<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)<br><input type="checkbox"/> Check in the amount of \$ _____<br><input checked="" type="checkbox"/> Authorized to be charged to deposit account if check insufficient or inadvertently omitted<br>Deposit account number: <u>50-1212/DEBE:049US</u><br><input type="checkbox"/> Sequence Statement<br><input type="checkbox"/> Paper Copy of Sequence Listing<br><input type="checkbox"/> Computer Readable Form (CRF)<br><input checked="" type="checkbox"/> Postcard<br><input type="checkbox"/> _____<br><input type="checkbox"/> _____ |
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Remarks:

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Fulbright & Jaworski L.L.P.	Customer Number	32425
Signature			
Printed Name	Steven L. Highlander	Reg. No.	37,642
Date	March 17, 2006		

**CERTIFICATE OF TRANSMISSION/MAILING**

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Signature			
Typed or Printed Name	Steven L. Highlander	Date	March 17, 2006



**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Martin Beer *et al.*

Serial No.: 10/526,354

Filed: February 25, 2005

For: NON-HUMAN HERPESVIRUSES AS  
VECTORS

Group Art Unit: 1615

Examiner: Unknown

Atty. Dkt. No.: DEBE:049US

**CERTIFICATE OF MAILING**  
37 C.F.R. 1.8

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March 17, 2006

Date

Steven L. Highlander

**INFORMATION DISCLOSURE STATEMENT**

**MS AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:


In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R §§ 1.97(g), (h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R § 1.97(b). No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/DEBE:049US.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



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Attorney for Applicants

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Date: March 17, 2006

Form PTO-1449 (modified)

List of Patents and Publications for Applicant

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Atty. Docket No.  
DEBE:049USSerial No.  
10/526,354Applicant  
Martin Beer *et al.*Filing Date:  
February 25, 2005Group:  
UnknownU.S. Patent Documents  
*See Page 1*Foreign Patent Documents  
*See Page 1*Other Art  
*See Page 1*

## U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A1	2002/090716	07/11/02	Markham <i>et al.</i>	435	235.1	03/18/02
	A2	6,187,320	02/13/01	Darai <i>et al.</i>	424	229.1	04/03/95
	A3	6,387,685	05/14/02	Markham <i>et al.</i>	435	235.1	12/12/97
	A4	6,225,111	05/01/01	Cochran <i>et al.</i>	435	320.1	08/06/93

## Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B1	WO 01/60403	08/23/01	WIPO			English

## Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C1	Buczynski <i>et al.</i> , "Characterization of the transactivation domain of the equine herpesvirus type 1 immediate-early protein," <i>Virus Res.</i> , 65:131-140, 1999.
	C2	Hubert <i>et al.</i> , "Alterations in the equine herpesvirus type-1 (EHV-1) strain RacH during attenuation," <i>Zentralbl. Veterinarmed.[B]</i> , 43:1-14, 1996.
	C3	Neubauer <i>et al.</i> , "Equine herpesvirus mutants devoid of glycoprotein B or M are apathogenic for mice but induce protection against challenge infection," <i>Virology</i> , 239:36-45, 1997.
	C4	Osterrieder <i>et al.</i> , "Deletion of gene 52 encoding glycoprotein M of equine herpesvirus type 1 strain RacH results in increased immunogenicity," <i>Vet. Microbiol.</i> , 81:219-226, 2001.
	C5	Osterrieder, "Construction and characterization of an equine herpesvirus 1 glycoprotein C negative mutant," <i>Virus Res.</i> , 59:165-177, 1999.
	C6	Osterrieder, <i>et al.</i> , "Structure and function of equine herpesvirus glycoproteins – a review," <i>Proceedings of the 8<sup>th</sup> International Conference on Equine Infectious Diseases</i> , 111-118, 1999.
	C7	Roumillat <i>et al.</i> , "Persistent infection of a human lymphoblastoid cell line with equine herpesvirus 1," <i>Infect. Immun.</i> , 24(2):539-544, 1979.

25524318.1

EXAMINER:

DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

Form PTO-1449 (modified)		Atty. Docket No. <b>DEBE:049US</b>	Serial No. <b>10/526,354</b>
List of Patents and Publications for Applicant's  INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)		Applicant <b>Martin Beer <i>et al.</i></b>	
		Filing Date: <b>February 25, 2005</b>	Group: <b>Unknown</b>
U.S. Patent Documents <i>See Page 1</i>	Foreign Patent Documents <i>See Page 1</i>	Other Art <i>See Page 1</i>	

### Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C8	Rudolph and Osterrieder., "Equine herpesvirus type 1 devoid of gM and gp2 is severely impaired in virus egress but not direct cell-to-cell spread," <i>Virology</i> , 293(2):356-367, 2002.
	C9	Sun and Brown, "The open reading frames 1, 2, 71, and 75 are nonessential for the replication of equine herpesvirus type 1 in vitro," <i>Virology</i> , 199:448-452, 1994.
	C10	Sun <i>et al.</i> , "Identification and characterization of the protein product of gene 71 in equine herpesvirus 1," <i>J. Gen. Virol.</i> , 75(Pt.11):3117-3126, 1994.
	C11	Yalamanchili and O'Callaghan, "Organization and function of the ORIs sequence in the genome of EHV-1 DI particles," <i>Virology</i> , 179:867-870, 1990.
	C12	Yalamanchili and O'Callaghan, "Sequence and organization of the genomic termini of equine herpesvirus type 1," <i>Virus Res.</i> , 15:149-161, 1990.
	C13	Yalamanchili <i>et al.</i> , "Identification of the site of recombination in the generation of the genome of DI particles of equine herpesvirus type 1," <i>Virology</i> , 175:448-455, 1990.

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